

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

MORRIS N. WELLS,)
)
)
Plaintiff,)
)
)
v.) Case No: 4:22-cv-00124
)
ATLAS VAN LINES, INC.,) Circuit Court of Clay County
DEDICATED TRANSPORT) Case No. 20CY-CV06971
SERVICES, INC., and TYRONE V.)
WADE,) **JURY TRIAL DEMANDED**
)
)
Defendants.)

NOTICE OF REMOVAL

COME NOW Defendants Atlas Van Lines, Inc. ("Atlas"), Dedicated Transport Services, Inc. ("Dedicated"), and Tyrone V. Wade ("Wade") (collectively "Defendants"), by and through undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby remove this action to the United States District Court for the Western District of Missouri. In support of its removal, Defendants states the following:

1. On August 27, 2020, Plaintiff Morris N. Wells ("Plaintiff") filed a Petition against Defendants in the Circuit Court of Clay County, Missouri, case number 20CY-CV06971, alleging negligence, negligence per se, vicarious liability, and strict liability against Defendants following a motor vehicle accident between Plaintiff and Wade.

2. A copy of the entire Clay County Circuit Court file, Case No. 20CY-CV06971, including a copy of all process, pleadings, orders, and other documents have been attached hereto as Exhibit A

3. Plaintiff is, and at all times material hereto was, an individual and resident of the State of Missouri. (See Exhibit A, Plaintiff's Petition, ¶ 1).

4. Atlas is, and at all times material hereto was, a corporation incorporated and existing under the laws of the State of Delaware with its principle place of business in Evansville, Indiana. (See Exhibit A, Plaintiff's Petition, ¶ 3). Therefore, Atlas is not, and was not, a citizen of the State of Missouri.

5. Dedicated is, and at all times material hereto was, a corporation incorporated and existing under the laws of the State of Georgia with its principal place of business in Kennesaw, Georgia. (See Exhibit A, Plaintiff's Petition, ¶ 4). Therefore, Dedicated is not, and was not, a citizen of the State of Missouri.

6. Wade is, and at all times material hereto was, a citizen and resident of the state of Florida. (See Exhibit A, Plaintiff's Petition ¶ 2).

7. Plaintiff seeks to recover an amount of actual damages in excess of \$75,000.00 including punitive damages; therefore, the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied. (See Exhibit A, Plaintiff's Petition).

8. As complete diversity of citizenship exists between Plaintiff and Defendants and the amount in controversy requirement of 28 U.S.C. § 1332(a) is satisfied, removal to this Court is proper pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

9. Atlas was first served with the Summons and Petition on February 1, 2022, Dedicated was first served with the Summons and Petition on February 16, 2022, and Wade was first served with the Summons and Petition on February 2, 2022. Therefore, this Notice of Removal is timely filed within thirty (30) days of that date pursuant to 28 U.S.C. § 1446(b).

10. All Defendants consent to the removal of this matter to the United States District Court, Western District of Missouri.

11. Defendants certify that no other filings have been entered in the state court that have not been attached to Exhibit A, so there are no other filings which need to be filed separately with the Court.

12. Promptly after filing this Notice of Removal, Defendants will give written notice thereof to Plaintiff and the Circuit Clerk for the Circuit Court of Clay County

Respectfully submitted,

BROWN & JAMES, P.C.

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was mailed, first class, postage prepaid, and emailed, this 25th day of February 2022, to:

Mr. Alexander C. Melin
Mr. Stephen G. Sanders
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Attorneys for Plaintiff

/s/ Christopher J. Seibold

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